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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/653,713	09/05/2000	Stephen R. Carter	6647-15	8261
45842	7590	03/17/2006	EXAMINER	
<b>MARGER JOHNSON &amp; MCCOLLOM, P.C. - NOVELL</b> 1030 SW MORRISON STREET PORTLAND, OR 97205				SPOONER, LAMONT M
ART UNIT		PAPER NUMBER		
		2654		

DATE MAILED: 03/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/653,713	CARTER ET AL.
	Examiner	Art Unit
	Lamont M. Spooner	2654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 15 December 2005.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) \_\_\_\_\_ is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 07 February 2005 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/15/05 has been entered.

### ***Response to Arguments***

2. Applicant's arguments, see remarks, filed 12/15/05, with respect to the claims have been fully considered and are persuasive. The 35 USC 103 rejection of the claims has been withdrawn.

### ***Claim Objections***

3. Claim 14 is objected to because of the following informalities: In claim 14, lines 5-7, "and a plurality of chains stored extending from the maximal element to each of the plurality of concepts", should probably having the chains extending to other concepts, as the maximal element is a concept. Appropriate correction is required.

### ***Double Patenting***

4. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

5. Claim 1 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of copending Application No. 09/654,660, ('660) in view of Application No. 09/512,963 ('963) .

As per **claims 1, 14, 17, 23, and 26**, '660 discloses A computer-implemented method for building a template specifying an emotional response to a content stream, the method comprising:

selecting a dictionary, the dictionary including a plurality of concepts to form a directed set, wherein only one concept is a maximal element (claim 1-lines 3-4);

selecting a subset of the intentional stance basis chains to form a basis (claim 1, line 6 -his set of chains interpreted to include subset of chains, his basis interpreted as intentional stance, claim 13, line 7-his subset);

selecting at least once concept in the dictionary (claim 1 line 7);

creating a state vector in a topological vector space corresponding to each selected concept, wherein each state vector in the topological vector space includes as at least one measure of how concretely the corresponding selected concept is represented in each intentional stance basis chain in the basis (claim 1 lines 8-10);

assembling the state vectors in the topological vector space into a template (claim 1 lines 11, 12-his state vectors interpreted to include a first subset of state vectors); and

associating an action with the template (claim 1 lines 18, 19-his enforced policy as the action as it is interpreted to be associated with the template by a threshold distance),

capturing an impact summary for the content stream, the impact summary including a second plurality of state vectors in the topological vector space (Claim 1, lines 14, 15);

comparing the impact summary with the template (claim 1 lines 16, 17), but lacks teaching

establishing directed links between pairs of concepts in the directed set, the directed links defining "is a" relationships between concepts in the pairs of concepts so that each concept is either a source or a sink of at least one directed link;

establishing intentional stance basis chains in the directed set from the maximal element to each concept along the directed links, where for each pair of concepts in each intentional stance basis chain, one of the pair of concepts is a lineal ancestor of the other of the pair of concepts;

However, '963 teaches, establishing directed links between pairs of concepts in the directed set, the directed links defining "is a" relationships between the pairs of concepts, so that each concept is either a source or a sink of at least one directed link (Claim 1 lines 6-8);

establishing intentional stance basis chains in the directed set from the maximal element to each concept along the directed links, where for each pair of concepts in each intentional stance basis chain, one of the pair of concepts is a lineal ancestor of the other of the pair of concepts (claim 1 lines 9-11-his basis interpreted as intentional stance"). Therefore, at the time of the invention, it would have been obvious to modify '660 with '693 by having a directed link "is a" relationship and having lineal ancestors of the other concepts. The motivation for doing so would have been to define a relationship between each concept '963 lines 6, 7).

As per **claims 2 and 15**, '660 and '693 make obvious claim 1, and '660 further teaches wherein associating an action includes assigning a threshold distance to the action so that the action will be performed when the content stream is within the threshold distance of the template (claim 1 lines 18, and 19-inherent to the policy enforced at a distance).

As per **claims 3 and 16**, '660 and '693 make obvious claim 2, and '660 further teaches wherein associating an action includes associating a plurality of actions with the template (claims 2 and 3, his policy to limit bandwidth, his policy to limit access to a document); and assigning a threshold distance includes assigning a unique threshold distance to each associated action so that the action will be performed when the content stream is within the assigned threshold distance of the template (claim 1 lines 18, and 19-interpreted as each threshold is unique to the policy enforced from claims 2 and 3).

As per **claim 4**, '660 and '693 make obvious claim 3, and '660 further teaches associating an action includes associating a plurality of actions to be performed (claims

2 and 3) when the content stream is within one of a plurality of threshold distances of the template (claim 1 line 18 and 19, his “a threshold distance”, each of the associated actions to be performed when the content stream is within a unique range of distances of the template (claims 2 and 3 his policies as explained in claim 2).

As per **claims 6 and 24**, '660 and '693 set forth limitations similar to claim 1, and is rejected for the same reasons. "660 further teaches, constructing an impact summary for the content stream (claim 1 line 16), the impact summary including a plurality of state vectors (claim 1 line 16, 17); and comparing the impact summary with the template (claim 1 line 18, 19-interpreted as inherently compared due to the enforced policy...impact summary ...within threshold distance).

As per **claims 7 and 18**, '660 and '693 make obvious claim 3, and '660 further teaches wherein comparing the impact summary with the template includes measuring a distance between the impact summary and the template (claim 21).

As per **claim 8**, '660 and '693 make obvious claim 3, and '660 further teaches measuring a distance includes performing a topological vector space transformation on the impact summary (claim 5 lines 4, 5-his constructing the impact summary...in the topological vector space)

As per **claims 9 and 21**, '660 and '693 make obvious claim 3, and '660 further teaches performing the action associated with the template if the distance between the impact summary and the template is less than the threshold distance of the template (claim 1, lines 18, 19-his enforced policy, and his “within” interpreted as less).

As per **claim 12**, '660 and '693 make obvious claim 7, and '660 further teaches wherein measuring a distance includes measuring a Hausdorff distance between the impact summary and the template (claim 22).

As per **claim 13**, '660 and '693 make obvious claim 6, and '660 further teaches wherein constructing an impact summary includes iteratively constructing the impact summary for the content stream to track changes in the content stream (claim 1 lines 14, 15-his monitoring...).

6. Claims 5, is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of copending Application No. 09/654,660, ('660) in view of Application No. 09/512,963 ('963) and further in view of Application No. 09/615,726 ('726) .

As per **claim 5**, '660 and '693 make obvious claim 1, but lack constructing a centroid vector for the template from the state vectors.

However, '726 teaches constructing a centroid vector for the template from the state vectors (claim 17, lines 15, 16-his state vectors ... into semantic abstract, claim 19-his centroid vector for semantic abstract, the semantic abstract is interpreted as the template). Therefore, at the time of the invention, it would have been obvious to modify '660 with '726 by having a centroid vector for a set of state vectors. The motivation for doing so would have been to have a way to measure a distance between state vectors in a topological vector space (claim 19).

As per **claim 10**, '660 and '693 make obvious claim 7, but lack measuring a distance includes locating a centroid vector for each of the template and the impact

summary. However, '726 teaches measuring a distance includes locating a centroid vector for each of the template and the impact summary (claim 19-his each semantic abstract, the Examiner interprets the semantic abstracts to be one of a template and impact summary). Therefore, at the time of the invention, it would have been obvious to modify '660 with '726 by having a centroid vector for impact summary and template vectors. The motivation for doing so would have been to have a way to measure a distance between state vectors in a topological vector space (claim 19).

As per **claim 11**, '660, '693 and '726 make obvious claim 10, but lack measuring a distance further includes measuring an angle between the template centroid vector and the impact summary centroid vector. However, '726 further teaches measuring a distance further includes measuring an angle between the template centroid vector and the impact summary centroid vector (claim 20-his centroid vectors as template and impact summary centroid vectors). Therefore, at the time of the invention, it would have been obvious to modify '660 with '726 by having a centroid vector for impact summary and template vectors. The motivation for doing so would have been to have a way to measure a distance between state vectors in a topological vector space (claim 19).

As per **claims 19, and 20**, claims 19 and 20 sets forth limitations similar to claims 10 and 11 and are rejected for the same reasons. '726 teaches also measuring a Euclidean distance... (Claim 21).

***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lamont M. Spooner whose telephone number is 571/272-7613. The examiner can normally be reached on 8:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on 571/272-7602. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ims  
03/15/06



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